

AMERICAN INTERNATIONAL GROUP,  
INC., *et al.*,

Plaintiffs,

V.

ACE INA HOLDINGS, INC., *et al.*,

Defendants.

No. 07 C 2898

Judge Robert W. Gettleman

Magistrate Judge Sidney I. Schenkier

LIBERTY MUTUAL INSURANCE CO., *et al.*,

## Counter-Claimants,

V.

AMERICAN INTERNATIONAL GROUP,  
INC., *et al.*,

Counter-defendants.

SAFECO INSURANCE COMPANY OF  
AMERICA, *et al.*,

Plaintiffs,

v.

AMERICAN INTERNATIONAL GROUP,  
INC., *et al.*,

Defendants.

No. 09 C 2026

Judge Robert W. Gettleman

Magistrate Judge Sidney I. Schenkier

## ORDER

This matter comes before the Court for status and motions. For the reasons stated on the record, it is hereby ordered:

**1. Sampling of ACE files.** The parties discussed with the Court certain issues regarding AIG's proposed plan for sampling ACE files. The Court indicated that its preliminary view is that ACE's production should include, for a selected insured, all lines of insurance (and not solely workers' compensation insurance). Dr. Kadane indicated his agreement with that view. The Court directed that other issues concerning the AIG proposal be addressed through the process of submitting the proposal and any comments by ACE to Dr. Kadane, for his review and comment with the further input of the parties' respective experts.

**2. AIG's comments and objections to Dr. Kadane's approved sampling plan for certain AIG divisions (07 C 2898: doc. # 805).** Any response to AIG's comments and objections shall be filed by 5:00 p.m. on January 6, 2011. The Court will hold a hearing on approval of the plan on January 13, 2011 at 10:00 a.m. Dr. Kadane may participate in that hearing by telephone.

**3. Deposition Scheduling.** The joint agendas submitted by AIG and Class Plaintiffs on December 23, 2010 and by AIG and Liberty on December 23, 2010 each listed deposition scheduling as an agenda item. The Court denies Class Plaintiffs' request to preclude the rescheduling, on grounds of convenience, of any third-party deposition scheduled with at least ten days advance notice. The Court further rules that under paragraph 4 of the Revised Deposition Protocol entered on October 6, 2009 permits the same party to take concurrent depositions on the same day. In order to assess the need for any revisions to the procedures for deposition scheduling, the Court orders each party to submit by noon on January 4, 2011 a letter containing the following information: (a) the number of depositions taken by that party; (b) each deposition the party has requested for which a deposition date has been set, (c) each deposition the party has requested for which a deposition date has not been set, including whether the deponent is a party or non-party witness.

**4. Deadline for serving discovery requests and requesting depositions.** By noon on January 4, 2011, the parties shall submit to the Court proposed deadlines for serving any additional non-retained expert fact discovery requests and requests for depositions.

**5. Agenda items for January 5, 2011 hearing.** At this hearing, the Court will address the following matters: (a) deposition scheduling and deadlines for submitting written discovery and requests for depositions; (b) Class Plaintiffs' challenges to the sufficiency of AIG's search for documents responsive to Rule 34 requests and in connection with the Court's September 23, 2010 Order, and to AIG's instructions to a deponent in connection with inquiry into the methodology and reporting of results of its 2005 investigation into premium misreporting by divisions other than Divisions 50 and 55; (c) AIG's motion for ruling on certain confidentiality designations by Liberty (07 C 2898: doc. # 758); (d) Liberty's motion for a ruling on certain confidentiality designations of AIG (07 C 2898: doc. # 799); and (e) the non-alleged underreporting defendants' motion to compel (07 C 2898: doc. # 803).

**Next Status.** The matter is set for a status hearing with the magistrate judge on January 5, 2011, at 10:30 a.m.

**ENTER:**



**SIDNEY I. SCHENKIER**  
**United States Magistrate Judge**

**DATE: December 29, 2010**